



Entered on Docket
October 08, 2010

A handwritten signature in black ink, appearing to read "Linda B. Riegle", is written over a horizontal line.

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,¹

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,²

USA SECURITIES, LLC,³
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**Amended Order Sustaining First Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based Entirely Upon Investment In
The Huntsville Loan aka the West Hills
Park Loan Loan**

Date of Hearing: September 23, 2010
Time of Hearing: 10:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “First Omnibus Objection of USACM Trust to
2 Proofs of Claim Based Entirely Upon Investment In the Huntsville Loan aka the West
3 Hills Park Loan Loan” [DE 8140] (the “Objection”); the Court having heard the Objection
4 on September 23, 2010; appropriate notice of the Objection having been given; no
5 response to the Objection having been filed; and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 8140] is sustained;

8 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
9 claims are based upon an investment in the Huntsville Loan aka the West Hills Park Loan
10 Loan for the reasons set forth in the objection.

11 3. The claims listed on **Exhibit A** are not affected by this order to the extent
12 they are based upon an investment in another loan.

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15
16 By/s/ John Hinderaker (AZ 18024)

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18 John Hinderaker (*pro hac vice*)
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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document.]
- ☒ This is a chapter 11 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.
- ☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker
Attorneys for USACM Liquidating Trust

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EXHIBIT A
Single Loans

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Huntsville Loan
10725-01311	Anita Watson Living Trust DTD 4/8/03	c/o Anita Watson TTEE 5309 Parsonage CT Virginia Beach, VA 23455-7101	50,000.00	50,000.00
10725-01021	Calhoun, Anita J	2026 Bel Air Ave San Jose, CA 95128-1409	50,000.00	50,000.00
10725-02442	Clark Ira, Curtis	1St Savings Bank C/F Curtis Clark - Ira 2605 E. Flamingo Road Las Vegas, NV 89121 and Curtis Clark IRA 1403 Pueblo Drive Boulder City, NV 89005	64,791.00	64,791.00
10725-01112	Cohune, L Kanani	3530 Hackberry St Silver Springs, NV 89429	51,617.88	51,617.88
10725-01103	Costa, Rose M	Po Box 1234 Sausalito, CA 94966-1234	100,000.00	50,000.00
10725-01153	Doerr, Shirley	5200 Summit Ridge Dr Apt 511 Reno, NV 89523-9021	50,000.00	50,000.00
10725-01276	Everett, Dan & Sandra M	921 Crystal Court Foster City, CA 94404	50,000.00	50,000.00
10725-00930	Lanzas, Jose M & Gladys	3345 Spotted Fawn Dr Orlando, FL 32817-5006	95,000.00	95,000.00
10725-01349	Lofffield, James	1532 Beech Grove Dr Las Vegas, NV 89119	50,000.00	50,000.00
10725-01188	Petro, Aleko	6224 Lone Cypress CT Las Vegas, NV 89141	50,000.00	50,000.00

EXHIBIT A